



Courtney Clyburn Pope

Second Judicial Circuit Court, Seat 1

AMENDMENT TO Sworn Statement

Sworn Statement was originally submitted on February 19, 2019

Question 5

What is your philosophy regarding *ex parte* communications? Are there circumstances under which you could envision *ex parte* communications being tolerated?

Canon 3B (2) states that a judge shall be faithful to the law and maintain professional competence in it. A judge shall not be swayed by partisan interests, public clamor or fear of criticism. *Ex parte* communications are improper and should not be tolerated. There are exceptions which have special rules and limited circumstances for that type of communication. It is Judges duty to apply the rules according to the circumstance.

[RESPONSE] I will be replacing my response to #5 with the following:

Canon 3B (2) states that a judge shall be faithful to the law and maintain professional competence in it. A judge shall not be swayed by partisan interests, public clamor or fear of criticism. *Ex parte* communications are improper and should not be tolerated. There are exceptions which have special rules and limited circumstances for that type of communication, for example, scheduling, administrative purposes, or emergencies that do not deal with substantive matters on the merits. It is a Judge's duty to apply the rules according to the circumstance.

Question 6

If you disclosed something that had the appearance of bias, but you believed it would not actually prejudice your impartiality, what deference would you give a party that requested your recusal? Would you grant such a motion?

Canon 3 E of the Code of Judicial Conduct requires a judge to disqualify him or herself in a proceeding in which the judge impartiality might reasonably be questioned. I believe that if the motion is proper and based on reasonableness, I must disqualify myself.

[RESPONSE] I will be supplementing my response to #6 with the following:

I believe that if the motion is proper and based on reasonableness, I must disqualify myself if the circumstance requires.

Question 9

How would you handle a situation in which you became aware of misconduct or appearance of infirmity of a lawyer or of a fellow judge?

I am bound by Canon 3 G: Disability and Impairment. Should I become aware of misconduct or some type of infirmity, I am called to take appropriate action. This may include a referral to an assistance program.

[RESPONSE] I will be supplementing my response to #9 with the following:

Additionally, Canon 3D requires a judge who receives information that indicates a substantial likelihood that another judge has committed a violation of the Code of Judicial Conduct should take appropriate action and shall inform the appropriate authority.

Question 14

If elected, what methods would you use to ensure that you and your staff meet deadlines?

I would implement both paper and electronic calendars. I believe in the use of timelines and various deadlines in order to meet bigger deadlines. I am committed to being timely and working efficiently

[RESPONSE] I will be replacing my response to #14 with the following:

Canon 3B (8) requires that judges shall dispose of all judicial matters promptly, efficiently and fairly. I would implement both paper and electronic calendars. I believe in the use of timelines and various deadlines in order to meet bigger deadlines. I am committed to being timely and working efficiently. Communication of deadlines and clear expectations is paramount in order to meet deadlines.

Question 17

Do you feel that the pressure of serving as a judge would strain personal relationships (i.e. spouse, children, friends, or relatives)? How would you address this?

I have a strong support system. I have always had the support of my husband, my parents, and my parents in love. We have established a wonderful network for our children of loving friends who are now established as family. My husband continues to provide me encouragement and support. I think that this job is no different than any other. One must maintain a balance in work and home life. My family is of utmost importance. We would work hard to address anything that would cause a strain in a familial relationship.

[RESPONSE] I will be replacing my response to #17 with the following:

I have a strong support system. I have always had the support of my husband, my parents, and my husband's parents and family whom all reside in Aiken. We have established a wonderful network for our children of loving friends who are now established as family. My husband continues to provide me encouragement and support. I think that this job is no different than any other. One must maintain a balance in work and home life. My family is of utmost importance. We would work hard to address anything that would cause a strain in a familial relationship.

Question 18

The following list contains five categories of offenders that would perhaps regularly appear in your court. Discuss your philosophy on sentencing for these classes of offenders.

Repeat offenders:

While practicing as a criminal defense attorney in Aiken, I dealt with a number of clients who were repeat offenders. People reoffend for various reasons. It is hard to place offenders in one category. For example, some offend due to drug or alcohol use. Some reoffend due to a lack of resources. There are

people who also reoffend for no apparent valid reason. I think it is important to attempt to determine from defense counsel or the defendant the reason for the reoffend before making a determination of a sentence.

[RESPONSE] I will be replacing my response to #18 (a) with the following:

I maintain that every case is individualized and exclusive regarding the facts and mitigating circumstances. As a judge, it is my duty to uphold the law. I do think there is some worthiness in determining the motivation for a repeat offender.

Question 20

Would you hear a case where you or a member of your family held a *de minimis* financial interest in a party involved?

No, I do not believe this is appropriate pursuant to Judicial Canon 4.

[RESPONSE] I will be replacing my response to #20 with the following:

Canon 3E (1) (c) states that a Judge shall disqualify herself if she or a member of her family "has an economic interest" in the subject matter in controversy or in a party to the proceeding or has any other more than *de minimis* interest that could be substantially affected by the proceeding. Based on this Canon, I believe it is acceptable to hear a case with a *de minimis* financial interest. Should a party feel as though that interest presented the appearance of bias, I would refer to Canon 3E if the motion is both proper and based on reasonableness.

Question 22

What do you feel is the appropriate demeanor for a judge and when do these rules apply?

Judicial Canon 3 requires that a Judge perform the duties of Judicial Office impartially and diligently. Judge should maintain a demeanor of professionalism and have a standard of ethics. Further, a member of the Judiciary should have an even temperament.

[RESPONSE] I will be supplementing my response to #22 with the following:

These rules apply in and out of the courtroom.



Courtney Clyburn Pope

March 20, 2019

If mailing, please provide your supplemental response to the following address:

Judicial Merit Selection Commission
P.O. Box 142
Columbia, SC 29202